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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for the Protection of Unborn Children (SPUC), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Protection of the Family

The Society for the Protection of Unborn Children takes note of the Report of the Office of the United Nations High Commissioner for Human Rights A/HRC/31/37 entitled "Protection of the family: contribution of the family to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development".

Resolution 29/22, clearly set out the parameters on which the report was to be considered, i.e. the family is the "natural and fundamental group unit of society and is entitled to protection by society and the state" and that the family is "the natural environment for the growth and wellbeing of all its members."
Resolution 29/22 called in particular for the protection of the family as a fundamental unit of society, recognizing the prior right of parents to educate their children, and called on all nations to create family-sensitive policies and to recognize their binding obligations under treaty to protect the family.

Whilst there are some good and solid recommendations within the report (A/HRC/31/37), which also cites legally binding treaties, it then attempts, duplicitously, to expand the meaning of family to include concepts which have never been accepted by UN member states in any binding treaty.
The duplicity of the report can be seen in that it cites the Universal Declaration of Human Rights and other binding treaty documents, that cannot be interpreted as recognizing same-sex relationships but then in the section that surveys family laws and policies, lists some recent member state legislation making same-sex relationships equivalent to the natural family.

Despite the fact that the Universal Declaration in Article 16. 1, says that 'Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family, the report claims that family should be understood "in a wide sense". The report also says "There is no definition of the family under international human rights law" and it speaks of the equivalence of "the nuclear family, the extended family, and other traditional and modern community-based arrangements", for purposes of international policy. In its recommendations the report claims that consensus regarding the role of families [...] include the need to recognize the diverse and changing forms of the family institution.

In essence the report clearly attempts to create an opening for the recognition of family structures such as same sex couples which have never been accepted in any binding UN treaty. However, according to the Convention on the Rights of the Child (CRC Art3(1)) the rights of the child are "a primary consideration" not just a consideration. Children have a right to a mother and father and to know their genetic identity. They should not be subject to the physical and psychological risks involved in artificial reproductive technology procedures, donor conception or surrogacy arrangements associated with same-sex partnerships. Rather than seeking to expand the meaning of family, the UN has an obligation to ensure that the rights of children are protected and not made subject to the rights, interests, needs or desires of adults, including same-sex couples wishing to become parents.
The Secretary General emphasized in his report for the International Year of the Family that inclusion of families in the post 2015 agenda would assist in reduction of inequality and contribute to the achievement of the SDGs Regrettably, the critical role of the family in promoting and achieving sustainable development has been overlooked in the formulation of the post 2015 Agenda.
We therefore call upon States not to overlook the fundamental role of the family in society and its contribution to development in the formulation of their own development plans for the implementation of SDGs.

No state or private institution, no country or political system can substitute the actions undertaken by the family, which is and will remain, the most valuable of human institutions. The family fulfills crucial functions for the individual and for society without which society would disintegrate. Functions such as the transmission of life, education and social integration of its members, protection of personal and family health and intergenerational solidarity are all integral to the family.

The institution of the family however needs special protection by public authorities which have an obligation not only to recognize the importance of the family and the role it plays in society, but also have a duty to protect and support measures of a political, economic, cultural, social or legal nature to sustain it.

Policies in support of the family must be based on the conviction that helping the family involves understanding and then meeting its needs based on genuine research rather than ideological propaganda and concepts that do not have international recognition. Economic, social and quality of life conditions have worsened for many families around the world States and international organizations must commit to enact effective parent controlled policies and measures to provide the necessary comprehensive support for the family and its members. For change to occur, family policies must:

- Promote the development of genuine family protection
- Promote active policies that give effective support to the family
- Make the family a political priority.
- Mainstream the family in all actions, policies and programs.
- Recognize and promote family rights in all areas, particularly
    1. the right of parents to marry and found a family,
    2. the right of parents to have the number of children they want,
    3. the right of children to family stability,
    4. the right to reconcile work and family life,
    5. the right of parents to free choice in the education of their children.

Hence, we call upon Member States to

- Create family-friendly policies to support the family, and to assess such policies and programmes for their impact on family well-being;

Family policy limited exclusively to sectoral issues, or for family members as individuals only, results in an incomplete approach to the needs of the family and of its members. Current human rights thinking which places children's rights in conflict with those of their parents and focuses on individualism needs to be urgently reviewed.